

House Amendment to
Senate File 84

S-3118

1 Amend Senate File 84, as passed by the Senate, as follows:

2 1. Page 1, before line 1 by inserting:

3

<DIVISION I

4

SEXUAL EXPLOITATION OF A MINOR>

5 2. Page 1, before line 1 by inserting:

6 <Section 1. Section 710.10, subsections 1, 2, 3, and 4, Code
7 2023, are amended to read as follows:

8 1. A person commits a class "C" felony when, without
9 authority and with the intent to commit sexual abuse or sexual
10 exploitation upon a minor under the age of thirteen, the person
11 entices or attempts to entice a person reasonably believed
12 to be under the age of thirteen including a law enforcement
13 officer or agent posing as a minor under the age of thirteen.

14 2. A person commits a class "D" felony when, without
15 authority and with the intent to commit an illegal sex act upon
16 or sexual exploitation of a minor under the age of sixteen,
17 the person entices or attempts to entice a person reasonably
18 believed to be under the age of sixteen including a law
19 enforcement officer or agent posing as a minor under the age
20 of sixteen.

21 3. A person commits a class "D" felony when, without
22 authority and with the intent to commit an illegal act upon a
23 minor under the age of sixteen, the person entices a person
24 reasonably believed to be under the age of sixteen including a
25 law enforcement officer or agent posing as a minor under the
26 age of sixteen.

27 4. A person commits an aggravated misdemeanor when, without
28 authority and with the intent to commit an illegal act upon
29 a minor under the age of sixteen, the person attempts to
30 entice a person reasonably believed to be under the age of
31 sixteen including a law enforcement officer or agent posing as
32 a minor under the age of sixteen. A person convicted under
33 this subsection shall not be subject to the registration
34 requirements under [chapter 692A](#) unless the finder of fact
35 determines that the illegal act was sexually motivated.>

1 3. Page 1, line 5, after <minor> by inserting <or a law
2 enforcement officer or agent posing as a minor>

3 4. Page 2, line 4, after <conviction> by inserting <or
4 deferred judgment>

5 5. Page 2, line 5, after <conviction> by inserting <or
6 deferred judgment>

7 6. Page 2, after line 18 by inserting:

8 <Sec. _____. Section 728.15, subsection 1, paragraph b, Code
9 2023, is amended to read as follows:

10 b. A person shall not knowingly disseminate obscene material
11 by the use of telephones or telephone facilities to a minor or
12 a law enforcement officer or agent posing as a minor.>

13 7. Page 4, after line 24 by inserting:

14 <DIVISION _____

15 STALKING UTILIZING A TECHNOLOGICAL DEVICE

16 Sec. _____. Section 692A.102, subsection 1, paragraph a,
17 subparagraph (6), subparagraph division (b), Code 2023, is
18 amended to read as follows:

19 (b) Stalking in violation of [section 708.11](#), if a
20 determination is made that the offense was sexually motivated
21 pursuant to [section 692A.126](#), except a violation of section
22 708.11, subsection 3, paragraph ~~"b"~~ "a", subparagraph (3), shall
23 be classified a tier II offense as provided in paragraph "b".

24 Sec. _____. Section 692A.102, subsection 1, paragraph b,
25 subparagraph (8), Code 2023, is amended to read as follows:

26 (8) Stalking in violation of [section 708.11, subsection 3](#),
27 paragraph ~~"b"~~ "a", subparagraph (3), if a determination is made
28 that the offense was sexually motivated pursuant to section
29 692A.126.

30 Sec. _____. Section 708.11, subsection 1, paragraph b, Code
31 2023, is amended to read as follows:

32 b. *"Course of conduct"* means repeatedly maintaining a visual
33 or physical proximity to a person without legitimate purpose,
34 repeatedly utilizing a technological device to locate, listen
35 to, or watch a person without authorization or legitimate

1 purpose, or repeatedly conveying oral or written threats,
2 threats implied by conduct, or a combination thereof, directed
3 at or toward a person.

4 Sec. _____. Section 708.11, subsection 1, Code 2023, is
5 amended by adding the following new paragraph:

6 NEW PARAGRAPH. *e.* "Technological device" means any
7 computer, cellular phone, smartphone, digital camera, video
8 camera, audio recording device, global positioning device, or
9 other electronic device that can be used for creating, storing,
10 or transmitting information in the form of electronic data.

11 Sec. _____. Section 708.11, subsection 3, Code 2023, is
12 amended to read as follows:

13 3. *a.* A person who commits stalking in violation of this
14 section commits a class "C" felony ~~for a third or subsequent~~
15 ~~offense.~~ if any of the following apply:

16 (1) The person commits stalking while subject to
17 restrictions contained in a criminal or civil protective
18 order or injunction, or any other court order which prohibits
19 contact between the person and the victim, or while subject to
20 restrictions contained in a criminal or civil protective order
21 or injunction, or any other court order which prohibits contact
22 between the person and another person against whom the person
23 has committed a public offense.

24 (2) The person commits stalking while in possession of a
25 dangerous weapon, as defined in section 702.7.

26 (3) The person commits stalking by directing a course of
27 conduct at a specific person who is under eighteen years of
28 age.

29 (4) The person utilizes a technological device while
30 committing stalking.

31 (5) For a third or subsequent offense.

32 ~~*b.* A person who commits stalking in violation of this~~
33 ~~section commits a class "D" felony if any of the following~~
34 ~~apply:~~

35 ~~(1) The person commits stalking while subject to~~

1 ~~restrictions contained in a criminal or civil protective~~
2 ~~order or injunction, or any other court order which prohibits~~
3 ~~contact between the person and the victim, or while subject to~~
4 ~~restrictions contained in a criminal or civil protective order~~
5 ~~or injunction or other court order which prohibits contact~~
6 ~~between the person and another person against whom the person~~
7 ~~has committed a public offense.~~

8 ~~(2) The person commits stalking while in possession of a~~
9 ~~dangerous weapon, as defined in [section 702.7](#).~~

10 ~~(3) The person commits stalking by directing a course of~~
11 ~~conduct at a specific person who is under eighteen years of~~
12 ~~age.~~

13 ~~(4) The offense is a second offense.~~

14 b. A person who commits stalking in violation of this
15 section commits a class "D" felony if the offense is a second
16 offense which is not included in paragraph "a".

17 c. A person who commits stalking in violation of this
18 section commits an aggravated misdemeanor if the offense is a
19 first offense which is not included in paragraph "b" "a".>

20 8. Title page, by striking lines 1 and 2 and inserting <An
21 Act relating to the criminal offenses of sexual exploitation of
22 a minor and stalking committed while utilizing a technological
23 device, the enticement and sexual exploitation of minors
24 and the dissemination of obscene material to minors and the
25 utilization of undercover law enforcement officers or agents
26 posing as minors, and providing penalties.>

27 9. By renumbering as necessary.